REMARKS

The Office Action mailed October 30, 2006 has been received and reviewed. Claims 1-23 were pending in the application, of which claims 1, 6, and 11 were under examination. Claims 2-5, 7-10, and 12-23 are withdrawn from consideration as being drawn to a non-elected invention, and have been canceled. New claims 24-26 have been added. Applicants have amended claim 6 and respectfully request reconsideration of the application as amended herein.

35 U.S.C. § 112 Claim Rejections

Claims 1 and 6 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants respectfully traverse this rejection.

The examiner requested a biological deposit of the claimed plasmid to overcome this rejection. The Applicant submits that such deposit is not required because the specification contains sufficient detail to enable the skilled artisan to practice the claimed invention. As the Examiner correctly states plasmid pWKK-500 is described in ¶0044 of the specification. Plasmid pWKK-500 uses as a base plasmid pMAL-p2X which is well known plasmid that is commercially available from New England Biolabs, Beverly, Massachusetts. (Specification, ¶044). pWKK-500 was made cloning certain functional elements into pMAL-p2X. *Id.* These functional elements are set forth in the application as SEQ ID. NO:2. One of skill in the art would appreciate that functional elements could be cloned into plasmid pMAL-p2X using a standard techniques to create plasmid pWKK-500.

Further claim 6, as amended, is drawn to "a plasmid . . . . [having] a nucleotide sequence comprising SEQ ID NO:2." SEQ ID NO. 2 contains the following function elements a maltose binding protein (MBP), Factor Xa site, myristylation signal, DP178, flexible linker, ricin A chain, HIV protease cleavable linker, ricin B chain (truncated), repeat of hydrophobic C-terminal stretch of ricin A chain, L domain motif, KDEL ER retention signal, amber (TAG) stop codon, Factor Xa site, hydrophilic linker, *lacZα* peptide (ED), $(His)_6$ tag, TGA stop codon. It would readily be appreciated by one of skill in the art that the functional elements set forth in SEQ ID NO:2 could be cloned into any of a variety of vectors including pMAL-p2X, another plasmid, virus, or cell line without undue experimentation. Likewise new claims 24-26 are drawn to

nucleic acid molecules, expression vectors, or cells that contain SEQ ID NO: 2. Each of these claims could be practiced by the skilled artisan without undue experimentation.

ENTRY OF AMENDMENTS

The amendments to claims 6 and new claims 24-26 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search.

CONCLUSION

Claims 1, 6, and 24-26 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

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